

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**IN RE METHYL TERTIARY BUTYL ETHER
PRODUCTS LIABILITY LITIGATION**

This document relates to:

City of New York v. Amerada Hess Corporation, et al.,
No. 04 Civ. 3417 (SAS)

Master File No. 1:00-1898
MDL 1358 (SAS)
M21-88

**DECLARATION OF STEPHEN J. RICCARDULLI IN SUPPORT OF
DEFENDANTS' MOTION *IN LIMINE* TO EXCLUDE EVIDENCE AND ARGUMENT
REGARDING OTHER MTBE LITIGATION**

Stephen J. Riccardulli, an attorney duly admitted to practice law in the State of New York and in this Court, hereby declares under penalty of perjury:

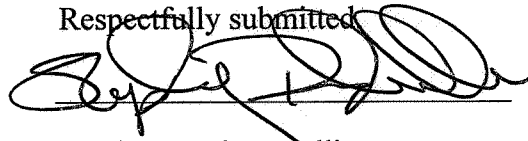
1. I am an attorney with the law firm of McDermott Will & Emery LLP, counsel for the Exxon Mobil Defendants in the above-captioned matter. I submit this Declaration in support of ExxonMobil's Reply Memorandum of Law in Support of Defendants' Motion *in Limine* to Exclude Evidence and Argument Regarding Other MTBE Litigation (hereinafter "Reply"). This Declaration authenticates the exhibits attached hereto and relied on in support of the Reply. In accordance with this Court's Individual Rules and Procedures, the exhibits have been excerpted to include only the relevant material. Copies of each of the exhibits appended hereto were made at my direction on or around June 2, 2009.

2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts from the deposition of Andrew Madden (Aug. 22, 2007).

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the deposition of Thomas Eizember (May 21, 2007).

Dated: New York, NY
June 2, 2009

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Stephen J. Riccardulli', written over a horizontal line.

Stephen J. Riccardulli

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
: Master File
IN RE: Methyl Tertiary : No. 1:00-1898
Butyl Ether("MTBE") :
Products Liability Litigation : MDL 1358 (SAS)
: M21-88
-----X

- - -
August 22, 2007
- - -

Transcript of the videotaped deposition of
ANDREW W. MADDEN, held on the above date, at the law
offices of McDermott, Will & Emery, L.L.P., 600 13th
Street, N.W., Washington, D.C., taken by and before
Constance E. Perks, CCR, CRR, CLR, License #XI01429,
commencing at approximately 8:50 a.m.

- - -
GOLKOW TECHNOLOGIES, INC.
One Liberty Place, 51st Floor
1650 Market Street
Philadelphia, Pennsylvania 19103
deps@golkow.com 877.370.3377

1 A. I have.

2 Q. And you're familiar with its
3 contents?

4 A. I am.

5 Q. And if you would turn to
6 page 3 of that document, sir, where it
7 has the designated issues, "Remove MTBE
8 from Gasoline." Are those the issues
9 that you're prepared to testify about
10 here, today, sir?

11 A. They are.

12 Q. And it's my understanding
13 that you are not here to testify about
14 the removal of gasoline -- excuse me --
15 the removal of MTBE from gasoline for
16 California, New York, or Connecticut; is
17 that correct?

18 A. That's correct.

19 Q. So you're here to testify
20 regarding ExxonMobil's decision to remove
21 MTBE from its gasoline with the exception
22 of those states?

23 A. That's correct.

24 Q. Have you brought any

EXHIBIT 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

_____ X
In re: Methyl Tertiary Butyl Ether
("MTBE") Products Liability Litigation

_____ X
Master File No. 1:00-1898
MDL No. 1358 (SAS)
M21-88

_____ X

30(b)(6) VIDEOTAPED ORAL DEPOSITION OF HERITAGE

EXXON AND EXXON MOBIL CORPORATION

by and through THOMAS EIZEMBER,

In Re: Decision to Use MTBE/TBA

May 21, 2007

• _____ •

GOLKOW TECHNOLOGIES, INC.

One Liberty Place, 51st Floor

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Philadelphia, Pennsylvania 19103

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1 time, the breakdown is as follows:
2 Mr. Eizember will be the designee today
3 for the response to the California state
4 ban, for the response to the New York
5 state ban, and then for an additional
6 category of, quote, "reduced" or removed
7 from use pertaining to the Billings
8 refinery, which you can inquire and if
9 you feel the need to follow up on a
10 separate day, we're happy to
11 accommodate. But we don't think it's
12 that complicated, but we'll figure it
13 out as we get there.

14 Q. (BY MS. EVANGELISTI) And,
15 Mr. Eizember, you understand that with respect
16 to those issues identified by Mr. Bongiorno,
17 you're required to prepare for and testify here
18 today on behalf of the corporation, as opposed
19 to simply telling us your personal
20 recollections. Is that your understanding?

21 A. Yes.

22 Q. And you prepared accordingly. Is
23 that right?

24 A. Yes, I did.

1 A. Yes. The conversion we made there
2 was driven by the legislative bans in
3 Connecticut and New York.

4 Q. And what substantive information did
5 he provide you about that issue?

6 A. He confirmed my recollection of the
7 time frames involved, specifically the fact
8 that the Connecticut ban had originally been --
9 I think it was October 1st of 2003, but was
10 subsequently delayed to January 1st of 2004 to
11 coincide with the New York ban, and that we
12 were, quite frankly, scrambling in order to
13 make the necessary conversions at the terminals
14 we owned or controlled in New York.

15 Q. And --

16 A. And -- I'm sorry.

17 Q. Go ahead.

18 A. And that we were also concerned
19 about Shell's ability to make the conversion to
20 the terminals they were using to supply
21 Connecticut, because as I mentioned, we were
22 reliant on Shell supplying gasoline that would
23 have to be blended with MTBE after the ban to
24 our supplies in Connecticut.